APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,071	03/31/2004	Stephen R. Lawrence	24207-10075	7847

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EXAMINER
NGUYEN, MERILYN P

ART UNIT	PAPER NUMBER
2163	

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06/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/815,071	LAWRENCE ET AL.
	Examiner	Art Unit
	Merilyn P. Nguyen	2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11,13-28,30-38 and 40-55* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11,13-28,30-38 and 40-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☒ Other: *Detailed action*.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070525

DETAILED ACTION

1.   In response to the communication dated 03/14/2007, claims 1, 3-11, 13-28, 30-38 and 40-

55 are pending in this action as the result of the cancellation of claim 2, 12, 29, and 39.

2.   PCT US0510687 is a continuation of this present application.

Claim Objections

3.   Claims 1, 28 and 55 are objected to because of the following informalities: the claim

recites a second level related event object without introducing a first level related object.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the

written description requirement. The claim(s) contains subject matter, the term "tangible",

which was not described in the specification in such a way as to reasonably convey to one skilled

in the relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 3-8, 11, 13, 14, 16-22, 28, 30-35, 38, 40-41, 43-49 and 55 are rejected under 35

U.S.C. 102(e) as being anticipated by Vleet (US 2005/0033803).

Regarding claims 1 and 28, Vleet discloses a method and a computer-readable medium

containing program code, comprising: capturing an event associated with an article (See page 2,

paragraph [0023], lines 4-9, and [0025]), wherein the event comprises event data (See page 2,

paragraph [0023], lines 4-9); indexing the event, the indexing comprising extracting at least

some of the event data (See pages 2-3, paragraph [0026], lines begin at page 3); creating a

related event object related to the event and based on at least a portion of the extracted even data

(See page 2, paragraph [0026], lines 1-17]), wherein the related event object is associated with a

set of one or more related events (paragraph [0027], "URL accesses"); creating a second level

related event object comprising the related event object and a set of one or more other related

event objects (See page 3, paragraph [0027], wherein creating a second level related event object

corresponds to "event data captured by the event history server 32 reflects actions performed by

users during browsing of a particular website or set of websites"); associating the second level

related event object, the related event object, and the one or more other related events objects

(See paragraph [0027]); and storing at least a portion of the extracted event data, the related

event object, and the second level related event object (See paragraphs [0026-0027], wherein

event history server 32 captures and stores event data and event objects).

Regarding claims 3 and 30, Vleet discloses wherein the related event object is stored at a first location within a data store (See page 2, paragraph [0026] and paragraphs [0035], [0037]).

Regarding claims 4 and 31, Vleet discloses wherein at least a portion of the event data is stored at a second location within the data store (See page 2, paragraph [0026] and paragraphs [0035], [0037]).

Regarding claims 5 and 32, Vleet discloses wherein the event is captured in real-time and indexing the event occurs close in time to capturing the event (See pages 2-3, paragraph [0026], lines begin at page 3 and paragraph [0042]).

Regarding claims 6 and 33, Vleet discloses wherein the event is a historical event and indexing the event is delayed in time after occurrence of the event (See page 2 paragraph [0026]).

Regarding claims 7 and 34, Vleet discloses wherein the article is associated with a client application (See page 2, paragraph [0023]) and the related event object comprises a list of different events associated with the article (See pages 2-3, paragraph [0025] and [0027]).

Regarding claims 8 and 35, Vleet discloses wherein the article comprises a web page and the related event object comprises a list of events comprising accesses to a URL for the web page (See page 3, paragraph [0027]).

Regarding claims 11 and 38, Vleet discloses wherein the article comprises a word processing document and the related event object comprises a list of events comprising at least some of load, save and print events associated with the word processing file (See paragraph [0045]).

Regarding claims 13 and 40, Vleet discloses wherein the article is associated with a client application (See page 2, paragraph [0023]) and the related event object comprises a list of different events associated with the article (See pages 2-3, paragraph [0025] and [0027]), and the second level related event object comprises a list of other related event objects comprising articles associated with the client application associated with a specific directory (See page 4, paragraph [0044] and [0046]).

Regarding claims 14 and 41, Vleet discloses wherein the article comprises a web page and the related event object comprises accesses to a URL for the web page associated with a website, and the second level related event object comprises a list of other related events objects comprising accesses to URLs associated with the website (See page 3, paragraph [0027]).

Regarding claims 16 and 43, Vleet discloses wherein the first location within the data store comprises a database (See Fig. 2 and paragraph [0053]).

Regarding claims 17 and 44, Vleet discloses wherein the second location within the data store comprises a repository (See Fig. 2 and paragraph [0053]).

Regarding claims 18 and 45, Vleet discloses after creating the related event object: capturing at least one second event associated with the article; indexing the second event; determining that the second event relates to the related event object; creating a pointer between the second event and related event object; and updating the related event object to record the second event. Please see paragraphs [0026-0027].

Regarding claims 19 and 46, Vleet discloses wherein the at least one second event comprises a plurality of second events, the method further comprising: serially repeating the steps of capturing, indexing, determining, creating and updating for each additional second event. Please see paragraphs [0026-0027].

Regarding claims 20 and 47, Vleet discloses receiving a search query; retrieving events relevant to the search query; retrieving related event objects having related event object data for the relevant events; and ranking the relevant events based at least in part on the event data and the related event object data.

Regarding claims 21 and 48, Vleet discloses receiving a search query (See reference 110, Fig. 4 and corresponding text); retrieving events relevant to the search query (See page 3, paragraph [0028] and page 6, paragraphs [0062-0063]); retrieving related event objects having related event object data for the relevant events (See page 3, paragraph [0028] and page 6, paragraphs [0062-0063]); and outputting the relevant events based at least in part on the event data and the related event object data (See page 3, paragraph [0028]).

Regarding claims 22 and 49, Vleet discloses receiving updated event data for the event and associating the updated event data with the event (See page 2, paragraph [0025]).

Regarding claim 55, Vleet discloses all the subject matter as addressed above, thus rejected at the same ground.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 9-10, 15, 36-37 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vleet (US 2005/0033803), in view of Belfiore (US 2002/0059425).

Regarding claims 9 and 36, Vleet discloses all the claimed subject matter as set forth

above. However, Vleet is silent as to wherein the article comprises an email message and the

related event object comprises a list of events comprising email messages in an email thread.

Belfiore teaches the article comprises an email message and the related event object comprises a

list of events comprising email messages in an email thread (See page 13, paragraph [0142],

[0146-0147] and [0267], Belfiore et al. The Examiner notes that these limitations are not

functionally involved in the steps or elements of the recited. Therefore these limitations are

deemed to be nonfunctional descriptive material. The steps of method would be performed the

same regardless of what type of articles. Thus this nonfunctional descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack,

703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32

USPQ2d 1031 (Fed. Cir. 1994) also see MPEP 2106. .). Therefore, it would have been obvious

to one having ordinary skill in the art at the time of the invention was made to place email

message as one of articles and list of events comprising email messages because such type of

article does not functionally relate to the elements of the claimed system and because the

subjective interpretation of different types of articles does not patentably distinguish the claimed

invention.

Regarding claims 10 and 37, Vleet/Belfiore discloses wherein the article comprises an

instant messenger message and the related event object comprises a list of events comprising

instant messenger messages in a conversation (See page 2, paragraph [0020], Belfiore et al.) and

as analyzing similar as addressed above in claim 9.

Regarding claims 15 and 42, Vleet/Belfiore discloses wherein the article comprises an

instant messenger message and the related event object comprises a list of events comprising

instant messenger messages in a conversation, and the second level related events object

comprises a list of other related event objects comprising instant message conversations

associated with a particular user as addressed above in claims 9 and 10.

7.   Claims 23-25 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Vleet (US 2005/0033803), in view of Hrabik (US 2002/0178383).

Regarding claims 23 and 50, Vleet discloses all the claimed subject matter as set forth

above. However, Vleet is silent as to a fingerprint of the event data is computed. On the other

hand, Hrabik teaches a fingerprint of the event is computed (See 514, "database of event

"fingerprints" and paragraph [0056], Hrabik et al.). It would have been obvious to one having

ordinary skill in the art at the time of the invention was made to create a fingerprint for the event

data. The motivation would have been to consolidate security of event based on analyzing the

event data collected by the collection engine (See paragraph [0056], Hrabik et al.).

Regarding claims 24 and 51, Vleet/Hrabik discloses wherein the fingerprint is computed

by analyzing text associated with the event (See [0056], Hrabik et al.).

Regarding claims 25 and 52, Vleet/Hrabik discloses wherein the fingerprint is computed by analyzing a location and time associated with the event (See [0056], Hrabik et al.).

8.   Claims 26-27 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vleet (US 2005/0033803), in view of Hrabik (US 2002/0178383), and further in view of Maxham (US 2004/0187075).

Regarding claims 26 and 53, Vleet/Hrabik discloses all the claimed subject matter as set forth above. However, Vleet/Hrabik is silent as to wherein the fingerprint is used to determine if the event is a duplicate event that has already been indexed. Maxham, on the other hand, teaches comparing the fingerprints of documents to find the duplicate documents (See page 3, paragraph [0036], Maxham et al.). Although Maxham system uses fingerprint to determine duplicate document, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply Maxham fingerprint feature on detecting duplicate event of Vleet/Hrabik system because the event itself broadly considered as file or document. The motivation would have been to eliminate duplicate events so that processing event faster and less time comsumed.

Regarding claims 27 and 54, Vleet/Hrabik/Maxham discloses the event is not indexed if the event is determined to be a duplicate event and access statistics associated with the related event object are updated as Maxham teaches duplicate document is discarded from uploading (See paragraph [0036], Maxham et al.).

Response to Arguments

9.   Applicant's arguments filed on 03/14/2007 about the claim rejection of the last Office

Action have been fully considered, but they are not persuasive.

Applicants argue that Vleet fails to disclose tracking event relationships via second level

events objects. The Examiner respectfully point out that this feature was not claimed.

Applicants argue that Vleet fails to disclose second level event objects associating first

level event objects, which in turn associated events. The Examiner respectfully point out "first

level event objects" was not claimed. And the Examiner respectfully disagrees. As addressed

above, creating a second level related event object corresponds to "event data captured by the

event history server 32 reflects actions performed by users during browsing of a particular

website or set of websites" (See paragraph [0027]) wherein a second level related event object

comprising actions performed by users during browsing of a particular website and the related

event objects are URL accesses of that particular website. [1]

The Applicants argue that Belfiore, Hrabik and Maxham fail to disclose the second level

event object. The Examiner respectfully disagrees. In response to applicant's arguments against

the references individually, one cannot show nonobviousness by attacking references

individually where the rejections are based on combinations of references. See In re Keller, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375

(Fed. Cir. 1986).

"Test of obviousness is not whether features of secondary reference may be bodily

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[1] Please notes that paragraph [0040] of the Applicant's specification states "For this case, a second level related events object can be used to refer to www.cnn.com and may point to the related objects for the web pages within a web site or specific URLs within specific websites, such www.cnn.com/technology and www.cnn.com/technology/space".

incorporated into primary reference's structure, nor whether claimed invention is expressly

suggested in any one or all of references; rather, <u>test is what combined teachings of references</u>

<u>would have suggested to those of ordinary skill in art</u>." In re Keller, Terry, and Davies, 208

USPQ 871 (CCPA 1981).

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Merilyn P Nguyen whose telephone number is 571-272-4026.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on 571-272-1834. The fax phone numbers for the
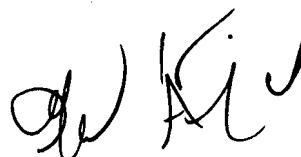
organization where this application or proceeding is assigned are 571-273-8300 for regular

communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

MN
May 25, 2007

ALFORD KINDRED
PRIMARY EXAMINER